

## **EXHIBIT P**

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**Usitalo, Michelle R.**

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**From:** Kleinick, Jodi <JodiKleinick@paulhastings.com>  
**Sent:** Monday, November 03, 2014 8:55 PM  
**To:** Zeballos, Gonzalo S.; Burke, John; Sheehan, David J.; Ponto, Geraldine  
**Cc:** Sher, Barry; Wetzler, Mor  
**Subject:** Re: Picard v. Ceretti, et al.

Gonzalo: we will not be filing today and will reconfirm the return date with you before we file. Jodi

Original Message

From: Zeballos, Gonzalo S.  
Sent: Monday, November 3, 2014 2:28 PM  
To: Kleinick, Jodi; Burke, John; Sheehan, David J.; Ponto, Geraldine  
Cc: Sher, Barry; Wetzler, Mor  
Subject: RE: Picard v. Ceretti, et al.

Jodi,

November 19 is fine with us.

-Gonzalo

-----Original Message-----

From: Kleinick, Jodi [mailto:JodiKleinick@paulhastings.com]  
Sent: Monday, November 03, 2014 1:13 PM  
To: Zeballos, Gonzalo S.; Burke, John; Sheehan, David J.; Ponto, Geraldine  
Cc: Sher, Barry; Wetzler, Mor  
Subject: RE: Picard v. Ceretti, et al.

Gonzalo: Please advise us by 3:00 if you agree to November 19 as the return date for our motion for sanctions. As we indicated, we intend to file the motion today. Jodi

-----Original Message-----

From: Kleinick, Jodi  
Sent: Friday, October 31, 2014 6:06 PM  
To: 'Zeballos, Gonzalo S.'; Burke, John; Sheehan, David J.; Ponto, Geraldine  
Cc: Sher, Barry; Wetzler, Mor  
Subject: RE: Picard v. Ceretti, et al.

Gonzalo - We do not intend to engage in further debate with you. Your email itself demonstrates the need to file our motion.

We were advised by the court that the 19th is an available return date for the hearing on the motion we plan to file pursuant to Section 1927 and the Court's inherent powers. Please confirm your consent to that return date for our motion. If we cannot agree, we will request that the court provide a date.

Jodi

-----Original Message-----

From: Zeballos, Gonzalo S. [mailto:gzeballos@bakerlaw.com]  
Sent: Friday, October 31, 2014 5:13 PM  
To: Kleinick, Jodi; Burke, John; Sheehan, David J.; Ponto, Geraldine  
Cc: Sher, Barry; Wetzler, Mor  
Subject: RE: Picard v. Ceretti, et al.

Jodi,

One thing in this whole process is clear. If anyone is guilty of a Section 1927 violation it is your firm. We have, for several months now, engaged in lengthy correspondence on this issue. You unilaterally scheduled a sanctions hearing before the court. You drafted a Rule 11 motion and improperly submitted your motion papers--which you now have no intention of filing--before that court. As a result, we have spent many hours of wasted costs analyzing your claims, conducting legal research, and preparing a response to your frivolous allegations. And for what? On the basis that a single three year old jurisdictional allegation has somehow vexatiously multiplied proceedings and costs? An allegation about which at best you have only speculated as to our potential use? Your filing of a Section 1927 motion will be Exhibit A in our cross motion under the same section.

Regards,

Gonzalo

-----Original Message-----

From: Kleinick, Jodi [mailto:JodiKleinick@paulhastings.com]  
Sent: Friday, October 31, 2014 1:23 PM  
To: Zeballos, Gonzalo S.; Burke, John; Sheehan, David J.  
Cc: Sher, Barry; Wetzler, Mor  
Subject: RE: Picard v. Ceretti, et al.

Gonzalo: As Barry explained to David before your email, we will not be moving under Rule 11 based on your representation that you made an interpretation of the records at the time of the complaint that was done in good faith, albeit incorrectly and erroneously. Our motion will be based on 1927 and the Court's inherent power based on your firm's refusal to withdraw or correct, and your continued reliance on, an allegation that is known to be false. We are at a loss as to how this course of action can be squared with the applicable ethical and other rules of attorney conduct.

Best, Jodi

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Jodi Kleinick | Partner

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-----Original Message-----

From: Zeballos, Gonzalo S. [mailto:gzeballos@bakerlaw.com]  
Sent: Friday, October 31, 2014 12:20 PM  
To: Kleinick, Jodi; Burke, John; Sheehan, David J.  
Cc: Sher, Barry; Wetzler, Mor  
Subject: RE: Picard v. Ceretti, et al.

Jodi,

As we have stated in our earlier letters, the allegation you are complaining about is three years old. It is a jurisdictional allegation and on any reasonable interpretation was made in good faith. It could not have been made, as you suggest, to address a court decision that did not exist at the time the allegation was made, or to "keep [your] clients in the case" on the basis of legal arguments arising from that decision. Your position is just not credible. You are clearly trying to improve your client's position on extraterritoriality. The case law is crystal clear that this is an inappropriate use of Rule 11 that is itself sanctionable. As far as the extraterritoriality briefing is concerned, we are complying with a procedure requested by all defendants affected by the extraterritoriality decision, including your clients, and on the timetable for advancing arguments on both sides of the extraterritoriality issue as agreed upon by all parties. We have not yet presented our extraterritoriality argument--therefore, presently there is no position of the Trustee to contest. On that ground as well, your position is baseless. The appropriate time to assert any extraterritoriality arguments is under the court-ordered procedure.

Regards,

Gonzalo

-----Original Message-----

From: Kleinick, Jodi [mailto:JodiKleinick@paulhastings.com]  
Sent: Thursday, October 30, 2014 4:34 PM  
To: Zeballos, Gonzalo S.; Burke, John; Sheehan, David J.  
Cc: Sher, Barry; Wetzler, Mor  
Subject: Picard v. Ceretti, et al.

Gentlemen: Please see the attached. Jodi

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Jodi Kleinick | Partner

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